

# MOBILE CITY PLANNING COMMISSION

## MINUTES

**OCTOBER 7, 2021 - 2:00 P.M.**

Meeting held Online

### ROLL CALL:

<b>Members Present</b>	<b>Members Absent</b>
John W. “Jay” Stubbs, Jr., Chairman Jennifer Denson, Secretary Shirley Sessions (arrived during agenda item # 4) Matt Anderson, (MD) Nick Amberger (AO) Bess Rich (CC) Susan Carley (S) Kirk Mattei (S)	Allan Cameron, Vice Chairman Carlos Gant Taylor Atchison
<b>Planning Staff Present</b>	<b>Others Present</b>
Margaret Pappas, Planning & Zoning Marie York, Planning & Zoning Victoria L. Burch, Planning & Zoning Bert Hoffman, Long Range Planning	Doug Anderson, Staff Attorney Mary Beth Bergin, Traffic Engineering George Davis, City Engineering John Strope, Dogwood Productions

(S) Supernumerary (MD) Mayor’s Designee (AO) Administrative Official  
(CC) City Council Representative (PJ) Planning Jurisdiction

The notation motion carried unanimously indicates a consensus, with the exception of the Chairman who does not participate in voting unless otherwise noted.

### **ADOPTION OF THE AGENDA:**

Motion to adopt by Jennifer Denson. Second by Bess Rich. Agenda adopted.

### **HOLDOVERS:**

- 1. 2662 Fillingim Street**  
(North side of Fillingim Street, 100’± West of Mobile Street).  
Council District 1  
PA-001677-2021  
Blood Covenant Evangelistic Church Ministries Inc.

**Planning Approval to allow a church in an R-1, Single-Family Residential District.**

Doris Bettis, applicant, was present. She discussed the parking space issues and the size of the building, and the intent to move forward with the variance requests to the Board of Adjustment.

Staff noted that the variance requests to the Board of Adjustment were scheduled for the December 6<sup>th</sup> meeting, thus staff suggested that the Planning Approval request be heldover until to the December 16<sup>th</sup> meeting to allow the Board of Adjustment process to be completed.

Mrs. Bettis agreed to the holdover.

Matt Anderson moved to holdover. Second by Nick Amberger. Holdover motion approved.

The Commission heldover the application to its December 16th meeting to allow the Board of Zoning Adjustment to hear the application at its December 6th meeting.

**NEW SUBDIVISION APPLICATIONS:**

**2. 690 Zeigler Circle East**

**(East side of Zeigler Circle East, 590'± South of Zeigler Boulevard).**

**Council District 7**

**SUB-001771-2021**

**Re-Plat of Lot 7, Revised Zeigler Airport Commercial Park & Lot 8-A Revised Zeigler Airport Commercial Park Resubdivision of Lot 8**

**Number of Lots / Acres: 1 Lot / 1.7± Acres**

**Engineer / Surveyor: The Woodlands Group**

Chris Lieb, Robert McCullum and Justin Palmer were present to represent the application. They stated they were in agreement with the staff recommendations.

No one else was present regarding application.

Motion to approve by Nick Amberger and second by Matt Anderson. Application approved.

After discussion, the Planning Commission Tentatively Approved the request, subject to the following conditions:

- 1) retention of the right-of-way width of Zeigler Circle East on the Final Plat;
- 2) revision of the plat to illustrate a 25-foot minimum building setback line on the Final Plat;
- 3) revision of the plat to label the lot with its size in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 4) placement of a note on the Final Plat stating that no structure may be constructed or placed within any easement without the permission of the easement holder;

- 5) compliance with the Engineering comments: *(FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A. REMOVE THE COUNTY ENGINEER'S SIGNATURE BLOCK FROM THE PLAT. THE COUNTY ENGINEER NO LONGER SIGNS PLATS WITHIN THE MUNICIPAL LIMITS OF THE CITY OF MOBILE. B. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. C. Show and label the proposed LOT designation (i.e. 1, A, etc.) and show the acreage (ac and sf). D. Show and label all flood zones. Add a flood zone note. New maps went into effect on June 5, 2020. E. Add the Owner(s) name to the Owner Acceptance/Signature Block. F. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 17 - #74) the proposed LOT will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: Proposed LOT – NONE. G. Add a note that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. H. Add a note that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. I. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. J. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile. K. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. L. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at [land.disturbance@cityofmobile.org](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing. M. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);*
- 6) placement of a note on the Final Plat stating the Traffic Engineering comments: *(Lot is limited to two curb cuts to Zeigler Circle East with any changes in size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 7) compliance with the Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of*

*heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.); and*

- 8) *compliance with the Fire-Rescue Department comments: (All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.).*

**3. 1805 Government Street**

**(South side of Government Street, 80'± West of Houston Street).**

**Council District 2**

**SUB-001774-2021**

**Holiday Transitional Center Subdivision**

**Number of Lots / Acres: 1 Lot / 0.4± Acre**

**Engineer / Surveyor: Stewart Surveying, Inc.**

Patsy Alexander, Applicant, was present and in agreement with all conditions.

Motion to approve Nick Amberger and second by Jennifer Denson. Motion approved.

After discussion, the Planning Commission Tentatively Approved the request, subject to the following conditions:

- 1) Retention of the lot sizes in square feet and acres on the Final Plat;
- 2) Retention of the 25' minimum building setback line along Government Street;
- 3) Compliance with Engineering comments: *(FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A) Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B) Correct the Surveyor's Certificate (title). It should be signed by the surveyor, not the Owner. C) Provide the Surveyor's and Owner's (notarized) signatures. D) Add "CRFI" to the LEGEND. E) DELETE the note "AS SHOWN ON THE 1984 AERIAL PHOTO... RUNOFF CONTROLL". It appears to be a mash-up of 2 different notes. F) Add a note that states "As shown on the 1984 aerial photo (FLIGHT 27 - #74) LOT 1 will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT 1 – 8,900 sf. G) Add a note that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. H) Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the*

*responsibility of the City of Mobile. I) Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing. J) After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);*

- 4) Placement of a note on the Final Plat stating Traffic Engineering comments: (*Government Street (U.S. Highway 90) is an ALDOT maintained roadway. Lot is limited to its one existing curb cut with any changes in size, location, and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.*);
- 5) Compliance with Urban Forestry comments: (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.*);
- 6) Compliance with Fire Department comments and placement of a note: (*All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.*); and,
- 7) Full compliance with all other Codes and Ordinances.

**4. Southwest Corner of McVay Drive and Bolling Brothers Boulevard**

**Council District 3**

**SUB-001784-2021**

**McGowin Business Park Subdivision, Phase Six**

**Number of Lots / Acres: 1 Lot / 7.7± Acres**

**Engineer / Surveyor: Byrd Surveying, Inc.**

Planning Commissioner Shirley Sessions arrived for the meeting.

Jerry Byrd, Applicant, was present and in agreement with all staff recommendations.

No one else was present regarding the application.

Motion to approve by Matt Anderson and second Nick Amberger. Motion passed.

After discussion, the Planning Commission Tentatively Approved the request, subject to the following conditions:

- 1) retention of the right-of-way widths of all streets on the Final Plat;
- 2) retention of the 35-foot minimum building setback line on the Final Plat;
- 3) retention of the lot size label in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
- 4) placement of a note on the Final Plat stating that no structure may be constructed or placed within any easement without the permission of the easement holder;
- 5) compliance with the Engineering comments: ( *FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer):* A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Provide and label the monument set or found at each subdivision corner. C. Show the streets in the vicinity map. D. Provide a graphic scale. E. Review and revise the written legal description of the POB. F. Provide a curve data table. G. Provide a flood zone note. New maps went into effect on June 5, 2020. H. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. I. Provide the Surveyor's and Owner's (notarized) signatures. J. The proposed CITY OF MOBILE DRAINAGE EASEMENT is recommended to be revised to 30' wide along the drainage ditch to allow for access. The final width and alignment of the easement shall be coordinated with, and approved by, the City Engineer prior to submitting the Plat for signatures. K. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 25 - #79) LOT A will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT A – NONE. L. Add a note that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. M. Add a note that the approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. N. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. O. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile. P. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. Q. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at [land.disturbance@cityofmobile.org](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing. R. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer),

- one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);*
- 6) placement of a note on the Final Plat stating the Traffic Engineering comments: *(Lot is limited to two curb cuts to McVay Drive and one curb cut to Bolling Brothers Boulevard with size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City’s Zoning Ordinance.);*
  - 7) compliance with the Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.);* and
  - 8) compliance with the Fire-Rescue Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.).*

**5. 130 Myrtlewood Lane**

**(Southeast corner of Myrtlewood Lane and Batre Lane).**

**Council District 7**

**SUB-001789-2021**

**D. P. Estates Subdivision**

**Number of Lots / Acres: 3 Lots / 0.7± Acres**

**Engineer / Surveyor: Polysurveying Engineering-Land Surveying**

Brett Orrell, Polysurveying, and Dean Parker, Applicant, were present representing the application. They made the following points:

- the proposal was to demolish the existing house and divide the existing property into 3 smaller lots;
- all of the City of Mobile rules and regulations were being followed – each proposed lot met the minimum area and size requirements;
- requested an amendment to proposed condition number eight (8) regarding access to Batre Lane;
- smaller lot sizes were needed in order to allow young families to live in Spring Hill near the schools

Commissioners inquired if the applicant had met with neighbors, to which the applicant stated that he had met or spoken with nine (9) of ten (10) the neighbors.

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Commissioners, staff and the applicant discussed the proposed lot sizes and how they relate to other properties within the vicinity in terms of size.

Staff noted for Commissioners the names of people who sent in comments regarding the application.

Dr. Eduardo Baranano, Linda St. John, Lindsey Hannahan and Todd Dempsey spoke in opposition to the application, and made the following points:

- Proposed subdivision would severely damage property and neighborhood;
- Three lots is not appropriate for the neighborhood;
- Three driveways would result in more traffic in an area where people walk in the streets, and exacerbate an already problematic intersection;
- Need to retain the tree canopy and vegetation;
- Changes to the property, which contains a spring, would alter drainage and cause stormwater issues for people down hill;
- Loss of privacy for neighbors;
- Developer, who doesn't live in Spring Hill, only seeks to maximize his profit;
- This is not a location for starter homes, as some homes in the vicinity are valued at over \$1 million;
- Additional density is not appropriate in this area.

Brett Orrell, in rebuttal, stated that the development would contain traditionally sized lots, and requested that proposed condition number eight (8) be modified regarding the driveway to Batre Lane.

Traffic Engineering staff spoke about the limitation on the corner lot driveways for the three (3) lots and discussed the traffic issues in the area. She also noted that there are ongoing traffic complaints for this area, as the streets appear to be used as a cut through for traffic.

City Engineering staff noted that increased traffic during the school year appeared to be the cause of more issues at the intersection, as corner is a blind corner due to the overgrown vegetation. It was also noted that sidewalks would be required if the proposed homes were built.

Commissioners noted that the trees and shrubs could be trimmed, curing the visibility issue at the intersection. They also stated that the character of the neighborhood did not need to be invaded by the proposed development. It was also stated that the Commission must consider the safety and welfare of the area when evaluating subdivision requests.

Matt Anderson made a motion to deny based on concerns of safety and welfare and unsuitability. Jennifer Denson seconded the motion. The motion passed, with Nick Amberger in opposition.

After discussion, the Planning Commission Denied the request due to the following reasons:



- 1) The proposed subdivision is not in keeping with the character of the surrounding area;
- 2) Approving the proposed subdivision would result in traffic safety concerns for vehicles and pedestrians; and
- 3) The proposed subdivision is incompatible with the existing neighborhood.

**6. 3715 Riviere du Chien Road**

**(South terminus of Riviere du Chien Road).**

**Council District 4**

**SUB-001794-2021**

**Hackbarth Subdivision**

**Number of Lots / Acres: 1 Lot / 1.9± Acres**

**Engineer / Surveyor: Austin Engineering Company, Inc.**

Millard Austin, applicant, was present.

Staff clarified for the Commission that the applicant was creating a legal lot from an existing parcel and a segment of vacated right-of-way.

Motion to approve by Nick Amberger. Second by Matt Anderson. Approved.

After discussion, the Planning Commission Tentatively Approved the request, subject to the following conditions:

- 1) retention of the right-of-way width of Riviere Du Chien Road on the Final Plat;
- 2) retention of the 25' minimum building setback line on the Final Plat;
- 3) revision of the Final Plat to label the lot size in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 4) placement of a note on the Final Plat stating that no structure may be constructed or placed within any easement without the permission of the easement holder, if applicable;
- 5) compliance with the Engineering comments: *(FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Provide a legible vicinity map that shows and labels the existing roads. Delete extraneous lines. C. Label all set or found property corners. D. Add "RBF" to the legend. E. Provide recording data for the vacated ROW. F. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information. G. Show and label the MFFE (Minimum Finished Floor Elevation) - BFE = 11. H. Add a signature block for the Planning Commission, Traffic Engineer, and City Engineer. I. Provide the Surveyor's and Owner's (notarized) signatures. J. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 24 - #89) LOT 1 will receive*

*historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT 1 – NONE. K. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. L. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile. M. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing. N. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);*

- 6) placement of a note on the Final Plat stating the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 7) compliance with the Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.);* and
- 8) compliance with the Fire-Rescue Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.);*

**NEW PLANNED UNIT DEVELOPMENT APPLICATIONS:**

7. **4074 Leighton Place Drive**  
**(East terminus of Leighton Place Drive)**  
**Council District 4**  
**PUD-001770-2021**  
**Leighton Place, Phase II**  
**Planned Unit Development to allow reduced front yard and side yard setbacks, and increased site coverage in an R-1, Single-Family Residential District.**

Chris Lieb was present, representing the application. He was in agreement with the proposed Findings of Fact and Conditions.

No one else was present regarding the application.

Motion to approve by Nick Amberger. Second by Jennifer Denson. Approved.

The Commission found the following Findings of Fact for Approval for the Planning Approval:

- a. the proposal promotes the objective of Creative design (to encourage innovative and diversified design in building form and site development), because it is the continuation of an existing development and accommodates existing wetlands;
- b. the proposal promotes the objective of Flexibility (to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations), because the current site has land that is developable;
- c. the proposal promotes the objective of Efficient land use (to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for redevelopment), because it is allowing the second phase of existing residential development; and
- d. the proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities), because it is utilizing a site that is already served with public utilities.

The approval is subject to the following conditions:

- 1) retention of the right-of-way width of Leighton Drive on the site plan;
- 2) illustration and labeling of the 20-foot front minimum building setback line along the street frontage;
- 3) illustration and labeling of the side yard setback dimensions for all lots;
- 4) revision of the site plan to label the easement width along the rear of all lots, and if greater than eight feet, the rear setback line should be the same as the easement limits;
- 5) placement of a note on the site plan stating that the maximum site coverage on all lots is not to exceed 40%;
- 6) revision of the site plan to label each lot with its size in both square feet and acres, or the furnishing of a table on the site plan providing the same information;
- 7) placement of a note on the site plan stating that the maintenance of all Common Areas is the responsibility of the property owners and not the City of Mobile;
- 8) placement of a note on the site plan stating that no structure may be constructed or placed within any easement without permission of the easement holder;
- 9) compliance with the Engineering comments: *(1. Provide a LABELED PUD Site Plan. 2. ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: a. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). b. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems*

- and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. c. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. d. Each Lot Owner shall be required to submit a Single Family Residential Affidavit application with the initial construction of a single family dwelling or other impervious surface (driveway, shed, slab, asphalt, gravel, etc.). The application shall include a site plan showing the proposed improvements and a verification that the amount of impervious area is less than or equal to the approved amount of impervious area. e. A 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state. f. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy. g. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals. h. The proposed development must comply with all Engineering Department design requirements and Policy Letters.);*
- 10) placement of a note on the site plan stating the Traffic Engineering comments: *(Each lot is limited to one curb cut with size, location and design to be approved by Traffic Engineering and conform to AASHTO standards. Consideration should be given to the building layouts relative to the building layouts across the street (within the development). Backing out of driveways becomes very problematic if on street parking occurs opposite driveways. Parking restrictions may have to be implemented by the City if access for public services is hindered (ex. garbage, fire access);*
  - 11) compliance with the Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.);*
  - 12) compliance with the Fire Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.);*
  - 13) submittal to and approval by Planning and Zoning of a revised site plan prior to the submittal for building or land disturbance permits; and
  - 14) full compliance with all municipal codes and ordinances.

- 8. 6480, 6485, 6490, 6500 and 6510 Dockside Drive  
(West terminus of Dockside Drive, extending to the South side of Dockside Drive, 330'±  
East of its West terminus).  
Council District 4  
PUD-001785-2021  
Hunter Development  
Planned Unit Development to allow shared access between multiple building sites.**

Jerry Byrd was present to represent the application and agreed with staff recommendations.

Staff advised the Commission of written concerns submitted by Zelda Finch, a neighbor.

No one else was present regarding the application.

Motion to Approve by Matt Anderson and second by Nick Amberger. Motion passed.

The Commission found the following Findings of Fact for Approval for the Planning Approval:

- a. the proposal promotes the objective of Creative design (to encourage innovative and diversified design in building form and site development), because greater flexibility is required due to the scope and scale of the site;
- b. the proposal promotes the objective of Flexibility (to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations), by allowing cross-access between multiple building sites;
- c. the proposal promotes the objective of Efficient land use (to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for redevelopment), because the applicant is endeavoring to maintain the economic viability of an industrial corridor of the city;
- d. the proposal promotes the objective of Environment (to preserve and protect as urban amenities the natural features and characteristics of the land), because the development is limited to only a portion of the site thus maintaining a majority of existing environmental conditions while also providing additional landscape area and tree plantings;
- e. the proposal promotes the objective of Open space (to encourage the provision of common open space through efficient site design), because additional greenspace will be preserved within the development; and,
- f. the proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities), because the development will utilize existing public infrastructure.

The Approval is subject to the following conditions:

- 1) Compliance with the use restrictions of the rezoning of the site to I-2, Heavy Industry District;

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- 2) Revision of the site plan to depict that the driveway, drive aisles, and off-street parking spaces will comply with the design standards of Section 64-6.A.2. of the Zoning Ordinance;
- 3) Revision of the site plan to illustrate an off-street loading facility in compliance with Sections 64-6.B.2. and 64-6.B.5. of the Zoning Ordinance;
- 4) Retention of a note on the site plan stating the site will comply with the tree planting and landscape area requirements of Section 64-4.E. of the Zoning Ordinance, and provision of a tree planting and landscape area plan in compliance with these requirements at the time of permitting;
- 5) Placement of a note on the site plan stating that any dumpster pad constructed on the property shall meet the enclosure and sanitary sewer connection requirements of Section 64-4.D.9. of the Zoning Ordinance, or provision of a note on the site plan stating curbside waste removal service will be utilized;
- 6) Revision of the site plan to illustrate a compliant sidewalk along Dockside Drive, or submission of a Sidewalk Waiver application for review by the Planning Commission;
- 7) Placement of a note on the site plan stating that a protection buffer will be required where the site adjoins residentially zoned property at such time the adjoining property is developed for residential use;
- 8) Placement of a note on the site plan stating no structures shall be constructed or placed within any easement without permission of the easement holder;
- 9) Compliance with Engineering comments: *(1. Add the following note to the PUD site plan – “A 25' riparian buffer may be required, during development, along the edge of anything considered by ADEM to be a water of the state.” 2. Retain NOTES #1 - #6, as shown on the submitted PUD drawing dated 9-2-21.)*;
- 10) Placement of a note on the site plan stating Traffic Engineering comments: *(Lot is limited to one curb cut with any changes in size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.)*;
- 11) Compliance with Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.)*;
- 12) Compliance with Fire Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.)*; and,

- 13) Provision of a copy of the revised PUD site plan for review by the Planning and Zoning Department prior to the approval of any permits.

**9. 2781 Macmae Drive**

**(East side of Macmae Drive at its South terminus).**

**Council District 3**

**PUD-001786-2021**

**Servpro / Mobile Momentum Property Group Mobile 1**

**Planned Unit Development to allow multiple buildings on a single building site.**

Jerry Byrd was present to represent the application and agreed with staff recommendations.

No one else was present regarding the application.

Motion to approve by Matt Anderson and second by Nick Amberger. Motion passed.

The Commission found the following Findings of Fact for Approval for the Planning Approval:

- a. the proposal promotes the objective of Creative design (to encourage innovative and diversified design in building form and site development), because it will accommodate the expansion of a business;
- b. the proposal promotes the objective of Flexibility (to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations), because allowing the additional structure on the site results in the applicant being able to expand the existing business;
- c. the proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities), because public utilities and services are already in place.

The Approval is subject to the following conditions:

- 1) full compliance with tree planting and landscape area requirements, with tree plantings to be coordinated with staff;
- 2) revision of the site plan to depict any existing or proposed dumpster locations to comply with pad and enclosure requirements;
- 3) revision of the site plan to clearly label the residential buffer fence height and materials;
- 4) provision of a photometric site plan at the time of permitting;
- 5) compliance with the Engineering comments: *(1. Retain NOTES #1 - #6, as shown on the submitted PUD drawing dated 9-3-21.);*
- 6) compliance with all Traffic Engineering comments: *(Lot is limited to one curb cut with any changes in size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*

- 7) compliance with the Urban Forestry comments: (*Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.*); and
- 8) compliance with the Fire Department comments: *All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.*);
- 9) submission of revised PUD site plans (hard copy and .pdf) to Planning & Zoning prior to the issuance of permits; and
- 10) full compliance with all municipal codes and ordinances.

## **NEW REZONING APPLICATIONS**

### **10. South terminus of Bowden Road**

**Council District 4**

**ZON-001793-2021**

**Romar Resorts, LLC (Joseph N. Asarisi P.E., Agent)**

**Rezoning from R-A, Residential-Agricultural District, to I-1, Light Industry District.**

Jaclyn Jadwin, engineer, and Robert Isakson, property owner, were present to represent the application. Mr. Isakson explained the request and spoke in favor of the rezoning.

Commissioners pointed out that the property would be subject to floodplain and potentially wetland regulations.

Motion to approve by Nick Amberger. Second by Matt Anderson. Approved.

The Commission recommends Approval due to the following:

- 1) the applicant has demonstrated a need to increase the number of sites available to business or industry.

The rezoning should be subject to the following conditions:

- 1) completion of the subdivision process; and
- 2) full compliance with all municipal codes and ordinances.

## **GROUP APPLICATIONS**



**11. 3059 Dauphin Square Connector and 3060 Dauphin Street**

**(North side of Dauphin Street, 430'± East of Dauphin Square Connector, extending to the South side of Dauphin Square Connector, 415'± West of North Sage Avenue).  
Council District 1**

**a. SUB-001791-2021 (Subdivision)**

**RNR Mobile Properties Subdivision**

**Number of Lots / Acres: 2 Lots / 6.8± Acres**

**Engineer / Surveyor: Clark, Geer, Latham & Associates**

Tom Clarke, Applicant, was present. He expressed concern regarding the curb-cut condition.

Traffic Engineering staff discussed concerns with the curb-cut condition and was agreeable to change the language to allow proposed Lot 2 to have no more than two (2) curb-cuts.

Motion to approve Matt Anderson and second by Nick Amberger. Motion passed.

After discussion, the Planning Commission Tentatively Approved the request, subject to the following conditions:

- 1) retention of the lot size in square feet and acres, or the provision of a chart depicting the same information;
- 2) retention of the 25' minimum building setback along all public rights-of-way;
- 3) compliance with Engineering comments: *(FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A. Provide all of the required information on the SUBDIVISION PLAT (i.e., signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings, and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Provide and label the monument set or found at each subdivision corner. C. Add legible street names to the vicinity map. D. Add a flood zone note. E. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. F. Provide the Surveyor's Certificate. G. Provide the Surveyor's and Owner's (notarized) signatures. H. Add a note to the SUBDIVISION PLAT stating that the Applicant will need to coordinate with the City Engineering Permitting Department staff to establish the exact amount of historical credit of existing (1984) impervious area towards stormwater detention that each Lot will receive prior to the submittal of the Final Plat for review and signatures. I. Add a note that a Land Disturbance permit will be required for any land disturbing activity in accordance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. J. Add a note that the approval of all applicable federal, state, and local agencies (including all storm water*

- runoff, wetland, and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. K. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. L. Add a note that all existing and proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile. M. Add a note that all easements shall remain in effect until vacated through the proper Vacation process. N. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at [land.disturbance@cityofmobile.org](mailto:land.disturbance@cityofmobile.org) prior to obtaining any signatures. No signatures are required on the drawing. O. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);*
- 4) placement of a note on the Final Plat stating the following Traffic Engineering comments: *(Lot 1 is limited to the curb cuts as illustrated on the approved PUD. Lot 2 is limited to no more than 2 curb cuts to Dauphin Square Connector. Any changes in size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
  - 5) compliance with Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.);*
  - 6) compliance with Fire comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.);*
  - 7) submission of revised PUD site plans (hard copy and .pdf) to Planning & Zoning prior to signing of the Final Plat; and
  - 8) full compliance with all municipal codes and ordinances.

**b. PUD-001805-2021 (Planned Unit Development)**

**RNR Mobile Properties of Mobile LLC**

**Planned Unit Development Approval to amend a previously approved Planned Unit Development to allow multiple buildings on a single building site with shared access and parking between multiple building sites.**

See the discussion under the Subdivision application.

Motion to approve by Nick Amberger. Second by Matt Anderson. Approved.

The Commission found the following Findings of Fact for Approval for the Planned Unit Development:

- a. the proposal promotes the objective of Creative design (*to encourage innovative and diversified design in building form and site development*), because it will allow the applicant to reconfigure the site so as to accommodate expansion of an existing business;
- b. the proposal promotes the objective of Flexibility (*to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations*), because it will allow increased shared access between sites;
- c. the proposal promotes the objective of Efficient land use (*to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for redevelopment*), because it will allow new development in an existing commercial area;
- d. the proposal promotes the objective of Public services (*to encourage optimum use of available public utilities, streets and community facilities*), because the proposed development will not require any additional infrastructure.

The Approval is subject to the following conditions:

- 1) retention of the lot size in square feet and acres, or the provision of a chart depicting the same information;
- 2) depiction of the 25' minimum building setback along all public rights-of-way;
- 3) either placement of a note stating that all new dumpsters will comply with sanitary sewer connection and enclosure requirements or that curbside pickup will be utilized;
- 4) provision of landscaped area and tree plantings for 3060 Dauphin Square Connector and parcel #: R022908183002067.038 and R022908183002064.000, to be coordinated with staff;
- 5) compliance with Engineering comments: *(ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. 3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water*

- Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 4. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy. 5. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland, and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals. 6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.);*
- 6) placement of a note on the site plan stating the following Traffic Engineering comments: *(Lot is limited to the curb cuts as illustrated on the approved PUD with any changes in size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 7) compliance with Urban Forestry comments: *(Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.);*
- 8) compliance with Fire comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance. (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.);*

**OTHER BUSINESS:**

- Administrative review of the side street side yard setback (reduced from 25-feet to 20-feet) approved for the **Gulf Coast Underground Subdivision - SUB-001479-2021** - originally approved by the Planning Commission at its February 3, 2021 meeting.

Staff explained the request to the Commission.

Motion to approve by Nick Amberger. Second by Jennifer Denson. Approved.

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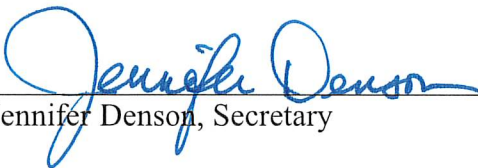
- Revise Planning Commission deadline on June 20, 2022 to be on June 21, 2022 to remove a conflict with the Juneteenth holiday.

Motion to approve by Matt Anderson. Second by Nick Amberger. Approved.

- Staff alerted the Commission that the next meeting would be the last Zoom (online meeting) and that the November 4th meeting would be in person.

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**Minutes approved:** September 19, 2024

  
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Jennifer Denson, Secretary

  
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Kirk Mattei, Vice Chairman